

4 February 2005

MACEDONIA: Selective refusal to register Serbian Orthodox Church

By Drasko Djenovic, Forum 18

The head of the Serbian Orthodox Church in Macedonia, Metropolitan Jovan (Vranisskovski), has told Forum 18 News Service that he is challenging in the Supreme Court the government's refusal to register the Archbishopric of Ohrid. Without registration, the Archbishopric cannot own any church buildings or other property, maintain a bank account or receive permission to build churches. "Although the Constitutional court has ruled that people can gather in private homes for worship, the police do not always share that opinion," Metropolitan Jovan told Forum 18. "Basically, the police can break up any private meeting and arrest believers and priests if they want. For them without registration the Archbishopric of Ohrid is an illegal organisation." The government also claimed against Metropolitan Jovan that "only citizens of Macedonia can organise a religious group", ignoring the fact that he is a Macedonian citizen. It is notable that neither the Catholic Church nor the Methodist Church have had this claim used against them by the Macedonian government.

The head of the Serbian Orthodox Church in Macedonia, Metropolitan Jovan (Vranisskovski), has told Forum 18 News Service that he will challenge in the Supreme Court the Macedonian government's refusal to give state registration to the Archbishopric of Ohrid. This follows the failure on 11 January of an appeal by the Archbishop to the Commission for Arbitration on Administration Acts. In a three-page judgment, the commission's chairman, Taip Elezi, found that the government had neither broken Macedonian law, nor the constitution in refusing registration. The Commission decision is final and can only be challenged in the Supreme Court within 30 days of the judgment.

Metropolitan Jovan told Forum 18 that without registration, the Archbishopric cannot own church buildings or other property, maintain a bank account or receive permission to build churches. "Although the Constitutional court has ruled that people can gather in private homes for worship, the police do not always share that opinion," he told Forum 18 on 4 February. "Basically, the police can break up any private meeting and arrest believers and priests if they want. For them, without registration the Archbishopric of Ohrid is an illegal organisation."

Forum 18 tried to reach Cane Mojanovski, head of the religion committee, to find out why the Serbian Orthodox Church's Ohrid Archbishopric has been singled out for selective denial of legal status and been the victim of harassment, but he was not available.

Services of the Ohrid Archbishopric have been broken up and believers fined (see F18News 9 February 2005 http://www.forum18.org/Archive.php?article_id=506). Metropolitan Jovan has been sentenced to 18 months in jail and is waiting for the result of an appeal. The St John Chrysostom monastery was demolished last October (see Forum18 News 21 October 2004 http://www.forum18.org/Archive.php?article_id=437) after being previously attacked with machine guns by a paramilitary "state security unit" (see F18News 24 February 2004 http://www.forum18.org/Archive.php?article_id=259).

"Our Church had many problems in January, but it is a little more peaceful now," Metropolitan Jovan told Forum 18. "I've still not been sent to prison – the government obviously thinks it is not the political moment to imprison me."

As chairman of the Holy Synod of the Ohrid Archbishopric, Metropolitan Jovan applied for registration to the state religion committee on 6 September 2004. Three weeks later, on 30 September, the Committee decided that the registration application was incomplete and asked Metropolitan Jovan to supply extra documents within 15 days. On 18 October, only two days after the monastery was demolished, the committee received the extra documentation it had demanded. But Mojanovski of the religion committee rejected the application in November, having previously vowed "never" to give the church registration (see F18News 23 September 2004 http://www.forum18.org/Archive.php?article_id=418).

Since the Ohrid Archbishopric was granted autocephalous (independent) status by the Serbian Orthodox Church in 2002, its priests, monks and believers have been under pressure from both the Macedonian government and the Macedonian Orthodox Church (MOC). The MOC – which is not recognised by any other canonically recognised Orthodox Church in the world - has strong backing from the government (see eg. F18News 13 January 2004 http://www.forum18.org/Archive.php?article_id=228).

In its six-page explanation of why it refused the application, the religion committee declared that a religious group should apply for registration within 30 days of being set up. The documentation presented to the Committee showed that the Ohrid Archbishopric Synod was elected in December 2003.

The Committee also declared that the MOC - whose place and importance in Macedonian society is described by the Constitution – is already registered and claimed that the name chosen by the Serbian Orthodox jurisdiction was an attempt to be a parallel organisation to the already-registered MOC, which used the name of the Ohrid Archbishopric in what the Committee described as its 800-year history. (The MOC was set up under heavy pressure from the then government in 1961.) Article 8 of the religion law declares that only one entity can exist for any one faith, while Article 12 specifies that the name of the religious community should be different from an already-registered religion. It also bans the registration of religious communities with a country name in the title.

The Committee also declared that the headquarters of the religious group should be in Macedonia, while the statute of the Ohrid Archbishopric shows that, although formally autocephalous, it is in reality part of the Serbian Orthodox Church, a foreign religious body. The Committee went on to say that only the MOC has canonical status "and not any foreign church. Only citizens of Macedonia can organise a religious group, not a foreign church or state."

Metropolitan Jovan pointed out to Forum 18 that he was born in the Macedonian town of Bitola and is a Macedonian citizen.

The Committee added that on 6 August 2004 the MOC registered the "MOC - Archbishopric of Ohrid" as a trademark (no. TM-2004/574) with the State Institute for Industrial Ownership. So the name "Archbishopric of Ohrid" is protected and no other religious group in the country can have this name.

The constitutional court, the highest legal institution in the country, ruled in October 1998 that one religion can have only one religious organisation, and that such a stipulation does not produce inequality in individuals' realisation of the right to religion freedom. It ruled that this decision protected people from manipulation and divisions in the body of believers. The same court ruled in May 2004 that believers of the same religious teaching but who by their free will do not belong to a registered religious community may form a religious group and conduct religious rites. It ruled that the stipulation that only one religious group of any one faith can be registered does not cause discrimination among believers.

The stipulation that "only citizens of Macedonia can organise a religious group" appears to be applied only to the Ohrid Archbishopric of the Serbian Orthodox Church. Although the Catholic Church in Macedonia is subject to Vatican jurisdiction, it has not complained that the authorities have obstructed the exercise of this oversight from abroad. The secretary of the Methodist church in Macedonia, Sofija Trajkovski, told Forum 18 on 4 February that their superintendent is an Austrian citizen Wilhelm Nausner and that the church has not faced any problems because of this. Their bishop is from Switzerland and he regularly visits Macedonia, preaches and leads meetings, she added. (END)

A printer-friendly map of Macedonia is available from
<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=macedo>

Note that the formally recognised name of Macedonia in international law is "The Former Yugoslav Republic of Macedonia".

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY